

DELHI-TRADING INCORPORATED,	:	Order Affirming Decision
Appellant	:	on Reconsideration
	:	
v.	:	
	:	Docket No. I13IA 95-21-A
NAVAJO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	February 24, 1995

Appellant DELHI-Trading Incorporated has petitioned for reconsideration of a January 24, 1995, order dismissing its appeal. 27 IBIA 151. The case involves the leasing of Navajo Allotments 057514, 011704, and 011706 for oil and gas purposes. Finding that appellant was acting as an agent for J.K. Edwards Associates, Inc. (Edwards), the Board dismissed the appeal because of appellant's failure to show it had standing to pursue the appeal against Edwards' wishes.

Appellant's petition asks whether its December 15 handwritten response was insufficient to show its standing. Appellant contends that "[a]s stated previously, there is more than enough evidence already in your files which prove my standing. I own an interest in all three leases; is that not good enough?" Attached to appellant's petition is a copy of an October 24, 1994, letter to Congressman Bill Richardson. The following note addressed to the Board is handwritten on the letter: "12/15/95 [sic] * * * A lot of paperwork is already in your file concerning my standing. Let me know if you need anything further."

The Board first received this correspondence on February 21, 1995.

A copy of the table of contents to the administrative record was sent to appellant with the Board's November 14, 1994, notice of docketing. Appellant has not referenced any document in the record as showing its standing. The Board found numerous documents "concerning" appellant's standing in the record, almost all of which question its standing. The Board found only one document, a letter dated September 30, 1993 (sic, should be 1994), in which appellant addressed its standing: "Concerning the relationship of DELHI-Trading Incorporated and [Edwards]. It is a common oil industry practice to secure partners in buying leases and drilling wells. DELHI and Edwards have partnered up in acquiring Indian Allotted leases." No proof of such a partnership was offered at that time, and none has been offered to date.

An appellant bears the burden of proving its standing. Appellant was explicitly informed that its standing was in question. It has chosen not

to provide any proof, other than its unsubstantiated statements, showing that it was acting on its own behalf in attempting to secure these leases. The evidence in the administrative record is that appellant was acting as an agent for Edwards. This evidence includes the fact that appellant returned the leases to BIA listing Edwards as the sole lessee.

Appellant has shown no reason for the Board to vacate its dismissal of this appeal.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Board affirms its January 24, 1995, order dismissing this appeal for lack of standing.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge

